

Department of Athletics

BACKGROUND

The University of Iowa Athletics Department is a self-sustaining enterprise that supports 10 men's varsity and 12 women's varsity teams. The budget for the Athletics Department's current fiscal year (FY13) is \$80.6 million. The department contains a number of units including administration, business operations, compliance, event management, external affairs, human resources, information technology, and student services.

Since 1979, the Department of Athletics' Student Services area has evolved into a broad-based student support operation. The office offers academic and personal support services to student-athletes in order to assist them with making timely and satisfactory progress toward their degrees. The services include academic support and monitoring, compliance, life skills, initial and continuing eligibility, admissions, housing and financial aid. The mission of the compliance area is to advance the University of Iowa's commitment to the highest standards and principles of ethical behavior and strict adherence to the letter and spirit of the NCAA and Big Ten rules.

PURPOSE AND SCOPE

This audit was performed at the request of the University of Iowa President. The purpose was to provide reasonable assurance that the Department of Athletics' hiring, personnel files, personnel appraisals in addition to the process surrounding complimentary tickets for Athletics staff are sound and internal controls are in place and operating as intended. Also, the recent Athletic sexual harassment investigation was reviewed to ensure appropriate procedures and processes were followed in accordance with the University Sexual Harassment policy.

The audit scope included information from the Department of Athletics from FY 2007 to present with particular focus on the Athletics' Student Services and Compliance area.

OBSERVATIONS AND DISCUSSION

Sexual Harassment Investigation – Internal Audit reviewed the recent Athletics' sexual harassment investigation timeline to determine if the proper processes and policies were followed according to the University of Iowa's Sexual Harassment Policy. The sexual harassment investigative timeline is stated below:

- 9/25/12 – Provost Office was made aware of allegations; The Office of Sexual Misconduct Response Coordinator was notified.
- 9/27/12 – Email correspondence between Office of Equal Opportunity and Diversity (EOD) and Office of Sexual Misconduct Response Coordinator regarding allegations.
- 10/03/12 – A joint investigation by EOD and University Human Resources was agreed upon.
- 10/04/12 – The EOD Formal Complaint form was completed and signed.
- 10/08/12 – Respondent was placed on administrative leave. Investigative interviews start.
- 10/11/12 – Investigative interviews are completed.
- 10/24/12 – EOD/University Human Resources joint investigative report was issued.

The University Operations Manual II.4.3e(1)(c) states the academic or administrative officer must “*notify the Office of the Sexual Misconduct Response Coordinator of the allegations within two business days*”. In this investigation, the Provost Office became aware of the allegations and immediately notified the Office of the Sexual Misconduct Response Coordinator.

The University Operations Manual II.4.3f states “*The Office of the Sexual Misconduct Response Coordinator and the Office of Equal Opportunity and Diversity shall share information about reports and complaints, typically within two business days, and shall provide assistance to the academic or administrative officer and the relevant Senior Human Resources Leadership Representative in evaluating the situation and determining an appropriate course of action, even if the alleged victim has requested that no action be taken.*” Internal audit obtained evidence showing EOD and the Office of Sexual Misconduct Response Coordinator shared information within two business days regarding the allegations.

The policy states when EOD conducts a formal investigation of allegations against an employee, “*the written finding normally will be issued within 45 days of when the complaint was filed.*” The written investigative report was completed within 20 days from the date the formal complaint was filed.

Sexual Harassment Training – A policy requiring all University employees to undergo either classroom or on-line training related to various types of harassment, including sexual harassment was mandated by President Mason in August 2008. The Office of the Provost was charged with monitoring and oversight of the education. In December 2008, the Provost announced employees were required to complete the sexual harassment prevention education by June 1, 2009. University employees were 90.3% compliant with the training by the deadline. The policy also requires refresher training no less than once every three years.

Internal Audit reviewed Athletics’ compliance regarding sexual harassment training. Current faculty/staff are required to participate in an approved sexual harassment prevention course every three calendar years. New hires holding a 50 percent or greater appointment should receive sexual harassment training in the first six months of employment. Employees can either attend an instructor led training session or perform an online training course. As of 11/30/2012, Athletics was 100% compliant in attending the sexual harassment training as compared to a University-wide compliance rate of 81.6%. Athletics also has periodic reminders regarding the sexual harassment policy, training and mandatory reporters. Student Services and Compliance also discuss individuals identified as mandatory reporters at in-service meetings every year.

Hiring Process – Internal Audit reviewed Athletics’ Professional & Scientific (P&S) hiring processes to determine if proper University policies/procedures were performed. Five P&S positions hired in the past two years were tested. Four of the hires followed the appropriate procedures and all forms (such as P&S requisition, pre-interview report, search and selection summary) were prepared and approved by the appropriate personnel. Reference checks and background checks were performed for the hires. One of the hires went through the waiver process per university policy and was approved by the appropriate personnel. During FY 2012,

82% of Athletic Department recruitments were completed through a competitive search. The overall average for the University is 94.4% of recruitments through a competitive process.

Internal Audit reviewed the 2002 hiring of the Associate Director of Student Services/ Director of Counseling & Advising. A competitive hiring process was performed. There were twenty-eight applicants from the search and six individuals were selected to interview. A search and selection summary/memo detailed the top three candidates in priority order. The approved dates by EOD were detailed for the requisition, pre-interview report/memo, and search and selection summary/memo. Athletics followed the University policy and procedures for this hire; there were no irregularities found.

Personnel files – Internal Audit reviewed Athletics’ personnel files to determine if appropriate items were kept in the folders according to University Policy. The Universities Guidelines for Personnel File Contents and Transfers Among University Department states “*Personnel files contain all forms related to the staff member's employment; i.e., resumes and/or application materials, appointment papers and letters of offer, change of status forms, performance appraisals, letters of recognition and/or commendation, and any disciplinary record. Grievance materials, including documents related to discrimination or sexual harassment complaints, should be maintained in a separate file. A separate medical file should be maintained for information related to Worker's Compensation, the Family and Medical Leave Act, designation of the employee as protected under the Americans with Disabilities Act and documentation relating to accommodations, as well as Leave of Absence forms regarding the same.*” Five employee personnel files were reviewed including the former Associate Director of Student Services/ Director of Counseling & Advising. No significant issues were noted with the exception related to performance reviews documentation that is discussed in the Audit Recommendations section below.

Employee Complimentary Ticket Process – Internal Audit reviewed Athletics’ Employee Complimentary Ticket policy and process to determine if proper controls are in place. The Athletics’ Policy Manual states employees with a 50% or greater appointment are eligible to request two season tickets or single game tickets where offered. The process was reviewed with no significant issues noted. The value of the complimentary tickets is considered taxable income and audit testing confirmed it is treated accordingly.

AUDIT RECOMMENDATIONS

Performance Reviews

Discussion – Not all performance reviews were completed in FY 2012, employee and supervisor signatures were also missing on performance evaluations and one performance evaluation was missing. The University's Performance Review for University Staff policy (Operations Manual III.I.3.2b(1)) states “*Reviews should occur no less than annually.*” Internal Audit retrieved data from the University Human Resources system identifying Athletics' compliance with annual performance reviews for staff in FY 2012. 24 out of 183 employees (13.1%) did not have a performance review as compared with the University-wide non-compliance rate of 8.4%.

The University's Performance Review for University Staff policy (Operations Manual III.I.3.2d(6)) states "*Regardless of the form used, each party needs to sign and date the form and have opportunity to include comments.*" Of the ten FY 2012 performance reviews reviewed, three did not have the employee signature and/or supervisor signature. Review of the former Associate Director of Student Services/ Director of Counseling & Advising files were reviewed, four did not have the employee signature and/or supervisor signature. There were no documented incidents or accusations regarding sexual harassment addressed in the performance reviews. One performance review was missing. Personnel files for terminated employees should be maintained for three years in the last employing department and then they can be discarded. Per Athletics' Human Resources, the department allows supervisors to keep the performance evaluations in the supervisor's files and is not required to forward a copy to be placed into the employee's personnel file.

Audit Recommendation – Athletics' leadership should consider requiring supervisors forward the performance evaluations to the personnel file. Additional training should be conducted in Athletics regarding the requirements for performance reviews and record retention of personnel file information. Also, management should ensure that all performance reviews are completed timely and have appropriate signatures for both employee and supervisor.

Management's Action Plan – Management will require that all completed performance review forms be forwarded to Athletics HR. Athletics HR will screen for proper completion (including signatures) prior to filing in official personnel files.

Management understands the UI expectation that performance reviews "should" occur annually and recognizes that in FY12 Athletics fell short of the campus-wide compliance average of 91.60%. In light of the calendar change in the performance review cycle announced last year and the new recommended performance review templates released in the fall of 2012, Athletics already has a plan in place to grow its percent of compliance for FY13. The plan was implemented in November 2012 and includes (a) clarification of institutional expectations, (b) distribution of FY13 forms, (c) reminders of cycle and goal, and (d) a schedule of Senior Staff notice of incomplete reviews. Athletics will continue to implement its current plan with the goal of growing its overall compliance percentage. Athletics will add 3-4 dates of optional training for supervisors which will cover the University's business rules associated with performance review compliance and the variety of new performance documents and how they might be used.

Individual Responsible – Associate Director of Athletics for Human Resources & Compliance

Target Date – April 2013

SUMMARY

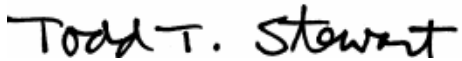
Subsequent to the sexual harassment investigation, on November 30, 2012, the Department of Athletics announced the reorganization of the Student Services and Compliance area into two separate units. Internal Audit will follow-up in the fourth quarter of FY 2013 and verify corrective action has been properly implemented.



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